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## ORIGINAL

April 15, 1999

Docket Clerks, US DOT Dockets  
Room **PL401**  
400 Seventh Street S.W.  
Washington, D.C. **20590-0001**

DEPT OF TRANSPORTATION  
RECEIVED  
APR 19 1999  
10:11:10

Re: Docket FHWA-98-3656 <sup>-29</sup> **RIN 2125 AE-40**

Dear Sir/Madam,

As the owner of a New Jersey based trucking company engaged in the transportation of freight on intermodal equipment for the last twenty years, I would like to comment on the issues involved in the above docket.

The FHWA must require those providing equipment to provide guaranteed roadworthy vehicles. **Public safety should not be compromised, to enhance the profits of intermodal equipment providers.** Furthermore, all equipment must comply with all federal, state, county and local laws including but not limited to registrations, maximum weight, cargo descriptions and hazardous materials identification and compliance.

The parties that tender intermodal equipment should be responsible and ensure the roadworthiness of equipment provided. While drivers are able to do a brief safety inspection, they lack the time and facilities to conduct in depth inspections. The Uniform Intermodal Interchange and Facilities Access Agreement, the industry standard contract, specifically says the provider makes no express nor implied warranty as to the fitness of the equipment, and requires the driver to warrant that said equipment is roadworthy. The contract must be changed. **The** provider must be responsible.

No maintenance and poor maintenance, those are the choices, at the facilities that we are familiar with. While most equipment has the annual inspection stickers, I sincerely doubt that the equipment is even looked at. Several months ago I was at a water pier in NJ picking up a import shipment. The FHWA inspection had expired and I was sent to the shop for inspection. The mechanic spent about five minutes inspecting the chassis and affixed a new sticker. At no

time were the brakes released.. they need to be released to check and to make adjustments. The lubricant level in the hubs were also not inspected. Our company trailers are inspected every ninety days, a through inspection takes about two hours. I recommend that the annual inspection on chassis be done more frequently, perhaps two or three times a year.

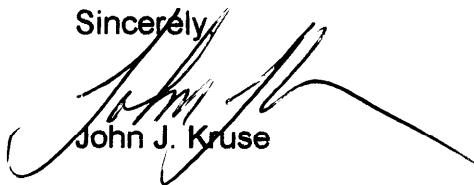
The length of most of our intermodal hauls is less than ten miles. Surely equipment traveling that short distance is not going to get the same scrutiny that one would if it was going five hundred miles. The equipment should all be up to the longer haul standard.

It is very upsetting to me that the largest intermodal providers have obtained all kinds of concessions and incentives, tax reductions and tax free status, are threatening landlords to reduce rents, and forcing motor carriers to maintain their rolling stock. It's time the providers become responsible for their own actions or in this case, lack of action.

Their equipment is their responsibility, not mine!!!!

Should you have any questions or if I can be of further assistance' please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read 'John J. Kruse', with a long, sweeping horizontal line extending to the right.

JJK/ao